

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LARRY W. MCGEE,

Petitioner,

vs.

DON ROPER,

Respondent.

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Case No. 4:09CV00688 FRB

MEMORANDUM AND ORDER OF TRANSFER

Petitioner, a Missouri state prisoner, seeks a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner is incarcerated in the Eastern District of Missouri. Petitioner's conviction, however, arose in the Western District of Missouri.

The Eastern District of Missouri and the Western District of Missouri both have jurisdiction over the petition. See 28 U.S.C. § 2241(d). In such an instance as this, the Court may transfer the petition to the Western District "in furtherance of justice . . .". Id. Additionally, the Court has entered an administrative order stating that, absent any unusual circumstances, any habeas petition challenging a conviction or sentence arising out of a proceeding in the Western District of Missouri should be transferred to that district. In re Business of the Court, January 27, 1986. As a result, the Court will order that this case be transferred to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri. See 28 U.S.C. § 2241(d).

Dated this 8th day of May, 2009.

/s/Donald L. Stohr

UNITED STATES DISTRICT JUDGE